

109TH CONGRESS
1ST SESSION

S. 1570

To promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. ROBERTS (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Employer Work Incen-
5 tive Act for Individuals with Severe Disabilities”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to promote employment
8 opportunities for individuals with severe disabilities, by re-
9 quiring Federal agencies to offer incentives to Government

1 contractors and subcontractors that employ substantial
 2 numbers of individuals with severe disabilities.

3 **SEC. 3. JOBS INITIATIVE FOR INDIVIDUALS WITH SEVERE**
 4 **DISABILITIES.**

5 (a) PREFERENCE FOR CONTRACTORS EMPLOYING
 6 INDIVIDUALS WITH SEVERE DISABILITIES.—The Office
 7 of Federal Procurement Policy Act (41 U.S.C. 403 et seq.)
 8 is amended by adding at the end the following new section:
 9 “**SEC. 42. PREFERENCE FOR CONTRACTORS EMPLOYING IN-**
 10 **DIVIDUALS WITH SEVERE DISABILITIES.**

11 “(a) PREFERENCE.—In entering into a contract, the
 12 head of an executive agency shall give a preference in the
 13 source selection process to each offeror that submits with
 14 its offer for the contract a written pledge that the con-
 15 tractor is an eligible business for purposes of this section.

16 “(b) UNIFORM PLEDGE.—The Federal Acquisition
 17 Regulation shall set forth the pledge that is to be used
 18 in the administration of this section.

19 “(c) RESPONSIBILITY OF THE SECRETARY OF
 20 LABOR.—(1) The Secretary of Labor shall maintain on
 21 the Internet web site of the Department of Labor a list
 22 of contractors that have submitted the pledge as described
 23 in subsection (a).

1 “(2) The head of each executive agency receiving a
2 pledge as described in subsection (a) shall transmit a copy
3 of the pledge to the Secretary of Labor.

4 “(d) DEFINITIONS.—In this section:

5 “(1)(A) The term ‘eligible business’ means a
6 nonprofit or for-profit business entity that—

7 “(i) except as provided in subparagraph
8 (B), demonstrates that it has established an in-
9 tegrated employment setting, as defined by the
10 Secretary of Labor;

11 “(ii) employs individuals with severe dis-
12 abilities in not less than 25 percent of the full-
13 time equivalent positions of the business, on av-
14 erage;

15 “(iii)(I) pays wages to each of the individ-
16 uals with severe disabilities at not less than the
17 applicable rate described in section 6(a)(1) of
18 the Fair Labor Standards Act of 1938 (29
19 U.S.C. 206(a)(1)), regardless of whether the in-
20 dividuals are engaged in supported employment,
21 or training, under a contract with an executive
22 agency or a program that receives Federal
23 funds; and

24 “(II) does not employ any individual with
25 a severe disability pursuant to a special certifi-

1 cate issued under section 14(c) of the Fair
2 Labor Standards Act of 1938 (29 U.S.C.
3 214(c)); and

4 “(iv) makes contributions for at least 50
5 percent of the total cost of the annual pre-
6 miums for health insurance coverage for its em-
7 ployees.

8 “(B) In the case of an entity that has a con-
9 tract with an executive agency in effect on the date
10 of enactment of the Employer Work Incentive Act
11 for Individuals with Severe Disabilities, subpara-
12 graph (A)(i) shall not apply until 3 years after that
13 date of enactment.

14 “(2)(A) The term ‘individual with a severe dis-
15 ability’ means an individual who is a disabled bene-
16 ficiary (as defined in section 1148(k)(2) of the So-
17 cial Security Act (42 U.S.C. 1320b–19(k)(2)) or an
18 individual who would be considered to be such a dis-
19 abled beneficiary but for having income or assets in
20 excess of the income or asset eligibility limits estab-
21 lished under title II or XVI of the Social Security
22 Act, respectively (42 U.S.C. 401 et seq., 1381 et
23 seq.).

1 “(B) The term ‘individuals with severe disabil-
2 ities’ means more than 1 individual with a severe
3 disability.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of such Act is amended by adding at the
6 end the following new item:

“Sec. 42. Preference for contractors employing individuals with severe disabil-
 ities.”.

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